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3 **IN THE DISTRICT COURT OF THE VIRGIN ISLANDS**
4 **DIVISION OF ST. THOMAS AND ST. JOHN**

5 MEAGHAN RICHARDSON, CYRIL
6 RICHARDSON,

7 Plaintiffs,

8 v.

9 THE ATTORNEY GENERAL OF THE
10 BRITISH VIRGIN ISLANDS, RANDY
11 DONOVAN,

12 Defendants.

CIVIL CASE NO.

COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

13 Plaintiffs, MEAGHAN RICHARDSON and CYRIL RICHARDSON, hereby alleges as
14 follows:

15 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

16 **I.**

17 **JURISDICTION**

18 1. Plaintiffs, MEAGHAN RICHARDSON and CYRIL RICHARDSON, are residents
19 of the Territory of the United States Virgin Islands.

20 2. Plaintiffs are informed and believe, and based thereupon allege, that defendant,
21 THE ATTORNEY GENERAL OF THE BRITISH VIRGIN ISLANDS, is the legal representative
22 of the Government of the British Virgin Islands, and is the party to be named in civil actions
23 against the Government of the British Virgin Islands.

24 3. Plaintiffs are informed and believe, and based thereupon allege, that at all times
25 herein mentioned, defendant, RANDY DONOVAN, was a Custom Officer II, within the Office
26 of the Comptroller of Customs within the Government of the British Virgin Islands, and residing
27 within the British Virgin Islands. Plaintiffs are further informed and believe, and based thereupon
28 allege, that at all times herein mentioned, defendant RANDY DONOVAN, is, and was, acting

1 as a Servant of the Crown of the Government of the British Virgin Islands.

2 4. Plaintiffs are informed and believe, and based thereupon allege, that all times herein
3 mentioned, defendant RANDY DONOVAN, while as a Servant of the Crown of the Government
4 of the British Virgin Islands, was operating a vessel owned by the Government of the British
5 Virgin Islands within the Territorial waters of the United States Virgin Islands.

6 5. The citizenship of plaintiffs and defendants are diverse and the amount in
7 controversy, exclusive of interests and costs, exceeds the sum of Seventy-Five Thousand Dollars
8 (\$75,000.00). Therefore, this Court has jurisdiction over the matter pursuant to 28. U.S.C. §
9 1332.

10 6. This suit herein arises and is also within the Admiralty and Maritime jurisdiction of
11 the above-entitled court pursuant to 46 U.S.C. § 740, et seq., and 28 U.S.C. § 1333(1).

12 **II.**

13 **FIRST CAUSE OF ACTION**
14 **(MEAGHAN Richardson)**

15 7. Plaintiff, MEAGHAN RICHARDSON, realleges paragraphs 1 through 6, and
16 incorporates the same by reference as though fully set forth herein.

17 8. Plaintiff is informed and believes, and based thereupon alleges, that at all times
18 herein mentioned, defendant, RANDY DONOVAN, was acting as a Servant of the Crown of the
19 Government of the British Virgin Islands and was operating a vessel within the Territorial waters
20 of the United States Virgin Islands, and more specifically, the Territorial waters north and east
21 of St. John.

22 9. On or about December 1, 2007, at or near 9:00 p.m., plaintiff, MEAGHAN
23 RICHARDSON, along with 5 other persons, were passengers on a 26 foot fiberglass power boat,
24 registration number VI9653TA and registered as the M/V "Guilt Trip", which was owned and
25 operated by Ryan Uszenski.

26 10. At all times herein mentioned, the M/V "Guilt Trip" was operating with the
27 Territorial waters of the United States Virgin Islands. While within the territorial waters of the
28 United States Virgin Islands, and specifically within 1 nautical mile due north of Flanagan Island,

1 and at or near 9:14 pm, the M/V "Guilt Trip" was stopped by defendant RANDY DONOVAN
2 acting as a Servant of the Crown of the Government of the British Virgin Islands.

3 11. At that time and place, defendant, RANDY DONOVAN, ordered plaintiff,
4 MEAGHAN RICHARDSON and the five other passengers into a 28 foot Wellcraft Scarab, owned
5 by the Government of the British Virgin Islands, under the guise that the M/V "Guilt Trip" was
6 within the waters of the British Virgin Islands. Plaintiff, along with the other passengers,
7 complied with the orders of defendant, RANDY DONOVAN, even though the M/V "Guilt Trip"
8 had not left the Territorial waters of the United States Virgin Islands. Defendant, RANDY
9 DONOVAN, ordered Ryan Uszenski and another currently unidentified British Virgin Islands
10 customs officer, to remain in the M/V "Guilt Trip". The unidentified customs officer took control
11 of the M/V "Guilt Trip".

12 12. Once all the passengers were in the 27 foot Wellcraft Scarab, defendant, RANDY
13 DONOVAN, began to throttle up the engines of his vessel. At this time, there were 7 persons on
14 the Wellcraft Scarab and the vessel was not getting up on plane. Defendant, RANDY
15 DONOVAN, began to trim the engines and was looking to the stern of the vessel while he was
16 throttling up the vessel.

17 13. During the time that defendant, RANDY DONOVAN, was throttling up the vessel,
18 defendant was not maintaining a proper look out as required by 33 U.S.C. §§ 1601-1608 (Rule
19 5 - look out); was not maintaining a safe speed as required by 33 U.S.C. §§ 1601-1608 (Rule 6 -
20 safe speed); failed to use all available means appropriate to the prevailing circumstances to avoid
21 a risk of collision as required by 33 U.S.C. §§ 1601-1608 (Rule 7 - risk of collision); failed to
22 take action to avoid the risk of collision 33 U.S.C. §§ 1601-1608 (Rule 8 - action to avoid risk
23 of collision); failed to following the crossing situation rules as required by 33 U.S.C. §§ 1601-
24 1608 (Rule 15- crossing situation); failed to take appropriate action by give way vessel as required
25 by 33 U.S.C. §§ 1601-1608 (Rule 16 - action by give way vessel); failed to take appropriate
26 responsibility between vessels as required by 33 U.S.C. §§ 1601-1608 (Rule 18 - responsibilities
27 between vessels).

28 14. The conduct of defendant, RANDY DONOVAN, in acting as a Servant of the

1 Crown of the British Virgin Islands and in operating a vessel owned by the Government of the
2 British Virgin Islands was negligent and careless and resulted in substantial injuries to plaintiff,
3 MEAGHAN RICHARDSON, as herein alleged.

4 15. As a direct and proximate result of the negligence and carelessness of defendants,
5 RANDY DONOVAN and THE ATTORNEY GENERAL OF THE BRITISH VIRGIN ISLANDS,
6 the vessel operated by RANDY DONOVAN and owned by the Government of the Virgin Islands
7 collided with the stern of the M/V "Guilt Trip", resulting in plaintiff, MEAGHAN
8 RICHARDSON, being thrown forward and sustaining serious personal injuries and damages.

9 16. Plaintiff is informed and believes, and based thereupon alleges, that defendants
10 were negligent and careless in the use and operation of their vessel in that defendants failed to use
11 that degree of skill and prudence as a reasonable captain, as set forth above, and that as a direct
12 and proximate result of defendants negligence and carelessness, plaintiff sustained injuries and
13 damages.

14 17. Plaintiff is further informed and believes, and based thereupon alleges, that a direct
15 and proximate cause of plaintiff's injuries was the negligence and carelessness of defendants, and
16 each of them, in the use and operation of their vessel within the Territorial waters of the United
17 States Virgin Islands.

18 18. As a direct and proximate result of the negligence of defendant, as hereinabove
19 alleged, plaintiff, MEAGHAN RICHARDSON, was hurt and injured in her health, strength and
20 activity, in all parts of her body, and sustained shock and injury to her nervous system and
21 person, all of which injuries have caused and continue to cause plaintiff great mental, physical and
22 nervous anxiety, and pain and suffering. Plaintiff, MEAGHAN RICHARDSON, is informed and
23 believes and thereon alleges, that these injuries will result in some permanent disability to
24 plaintiff, all to her general damage, in an amount to be proven at time of trial.

25 19. As a further direct and proximate result of the negligence of defendant as
26 hereinabove alleged, plaintiff, MEAGHAN RICHARDSON, was required to, and did, employ
27 physicians, surgeons and therapists to treat and care for her, and did sustain expenses for such
28 medical treatment and care, hospitalization, medicine, and for other and further medical and

1 incidental care, for which plaintiff has incurred liability in an amount as yet unascertained.
2 Plaintiff, MEAGHAN RICHARDSON, prays leave of Court to amend and/or supplement this
3 Complaint to insert the actual and reasonable value of all medical and incidental expenses when
4 same have been ascertained, or to prove same at time of trial.

5 20. Plaintiff, MEAGHAN RICHARDSON, is informed and believes, and based
6 thereupon alleges, that as a further direct and proximate result of the negligence of defendant, as
7 hereinabove alleged, she will necessarily require additional medical care, hospitalization,
8 medicines, and other and further medical attention in the future and will incur liability therefrom.
9 Plaintiff, MEAGHAN RICHARDSON, CYRIL RICHARDSON, prays leave of Court to amend
10 and/or supplement this Complaint to insert the actual and reasonable value of all such additional
11 medical and incidental expenses when same have been ascertained, or to prove same at time of
12 trial.

13 21. As a further direct and proximate result of the negligence of defendant, as
14 hereinabove alleged, plaintiff, MEAGHAN RICHARDSON, became incapacitated and was
15 prevented from following her usual occupation for an undetermined period of time; and as a result
16 thereof, plaintiff suffered a loss of earnings and earning capacity and ability and other financial
17 losses in an undetermined amount. Plaintiff, MEAGHAN RICHARDSON, CYRIL
18 RICHARDSON, prays leave of Court to amend and/or supplement this Complaint to include the
19 exact amount of said loss of earnings and earning capacity and ability when ascertained, or to
20 prove same at time of trial.

21 **III.**

22 **SECOND CAUSE OF ACTION**
23 **(Cyril Richardson)**

24 22. Plaintiff realleges paragraph 1 through 21, and incorporates the same by reference
25 as a part hereof as though fully set forth herein.

26 23. Plaintiff is informed and believes, and based thereupon alleges, that at all times
27 herein mentioned, defendant, RANDY DONOVAN, was acting as a Servant of the Crown of the
28 Government of the British Virgin Islands and was operating a vessel within the Territorial waters

1 of the United States Virgin Islands, and more specifically, the Territorial waters north and east
2 of St. John.

3 24. On or about December 1, 2007, at or near 9:00 p.m., plaintiff, CYRIL
4 RICHARDSON, along with 5 other persons, were passengers on a 26 foot fiberglass power boat,
5 registration number VI9653TA and registered as the M/V "Guilt Trip", which was owned and
6 operated by Ryan Uszenski.

7 25. At all times herein mentioned, the M/V "Guilt Trip" was operating with the
8 Territorial waters of the United States Virgin Islands. While within the territorial waters of the
9 United States Virgin Islands, and specifically within 1 nautical mile due north of Flanagan Island,
10 and at or near 9:14 pm, the M/V "Guilt Trip" was stopped by defendant RANDY DONOVAN
11 acting as a Servant of the Crown of the Government of the British Virgin Islands.

12 26. At that time and place, defendant, RANDY DONOVAN, ordered plaintiff, CYRIL
13 RICHARDSON and the five other passengers into a 28 foot Wellcraft Scarab, owned by the
14 Government of the British Virgin Islands, under the guise that the M/V "Guilt Trip" was within
15 the waters of the British Virgin Islands. Plaintiff, along with the other passengers, complied with
16 the orders of defendant, RANDY DONOVAN, even though the M/V "Guilt Trip" had not left
17 the Territorial waters of the United States Virgin Islands. Defendant, RANDY DONOVAN,
18 ordered Ryan Uszenski and another currently unidentified British Virgin Islands customs officer,
19 to remain in the M/V "Guilt Trip". The unidentified customs officer took control of the M/V
20 "Guilt Trip".

21 27. Once all the passengers were in the 27 foot Wellcraft Scarab, defendant, RANDY
22 DONOVAN, began to throttle up the engines of his vessel. At this time, there were 7 persons on
23 the Wellcraft Scarab and the vessel was not getting up on plane. Defendant, RANDY
24 DONOVAN, began to trim the engines and was looking to the stern of the vessel while he was
25 throttling up the vessel.

26 28. During the time that defendant, RANDY DONOVAN, was throttling up the vessel,
27 defendant was not maintaining a proper look out as required by 33 U.S.C. §§ 1601-1608 (Rule
28 5 - look out); was not maintaining a safe speed as required by 33 U.S.C. §§ 1601-1608 (Rule 6 -

1 safe speed); failed to use all available means appropriate to the prevailing circumstances to avoid
2 a risk of collision as required by 33 U.S.C. §§ 1601-1608 (Rule 7 - risk of collision); failed to
3 take action to avoid the risk of collision 33 U.S.C. §§ 1601-1608 (Rule 8 - action to avoid risk
4 of collision); failed to following the crossing situation rules as required by 33 U.S.C. §§ 1601-
5 1608 (Rule 15- crossing situation); failed to take appropriate action by give way vessel as required
6 by 33 U.S.C. §§ 1601-1608 (Rule 16 - action by give way vessel); failed to take appropriate
7 responsibility between vessels as required by 33 U.S.C. §§ 1601-1608 (Rule 18 - responsibilities
8 between vessels).

9 29. The conduct of defendant, RANDY DONOVAN, in acting as a Servant of the
10 Crown of the British Virgin Islands and in operating a vessel owned by the Government of the
11 British Virgin Islands was negligent and careless and resulted in substantial injuries to plaintiff,
12 CYRIL RICHARDSON, as herein alleged.

13 30. As a direct and proximate result of the negligence and carelessness of defendants,
14 RANDY DONOVAN and THE ATTORNEY GENERAL OF THE BRITISH VIRGIN ISLANDS,
15 the vessel operated by RANDY DONOVAN and owned by the Government of the Virgin Islands
16 collided with the stern of the M/V "Guilt Trip", resulting in plaintiff, CYRIL RICHARDSON,
17 being thrown forward and sustaining serious personal injuries and damages.

18 31. Plaintiff is informed and believes, and based thereupon alleges, that defendants
19 were negligent and careless in the use and operation of their vessel in that defendants failed to use
20 that degree of skill and prudence as a reasonable captain, as set forth above, and that as a direct
21 and proximate result of defendants negligence and carelessness, plaintiff sustained injuries and
22 damages.

23 32. Plaintiff is further informed and believes, and based thereupon alleges, that a direct
24 and proximate cause of plaintiff's injuries was the negligence and carelessness of defendants, and
25 each of them, in the use and operation of their vessel within the Territorial waters of the United
26 States Virgin Islands.

27 33. As a direct and proximate result of the negligence of defendant, as hereinabove
28 alleged, plaintiff, CYRIL RICHARDSON, was hurt and injured in his health, strength and

1 activity, in all parts of his body, and sustained shock and injury to his nervous system and person,
2 all of which injuries have caused and continue to cause plaintiff great mental, physical and
3 nervous anxiety, and pain and suffering. Plaintiff, CYRIL RICHARDSON, is informed and
4 believes and thereon alleges, that these injuries will result in some permanent disability to
5 plaintiff, all to his general damage, in an amount to be proven at time of trial.

6 34. As a further direct and proximate result of the negligence of defendant as
7 hereinabove alleged, plaintiff, CYRIL RICHARDSON, was required to, and did, employ
8 physicians, surgeons and therapists to treat and care for him, and did sustain expenses for such
9 medical treatment and care, hospitalization, medicine, and for other and further medical and
10 incidental care, for which plaintiff has incurred liability in an amount as yet unascertained.
11 Plaintiff, CYRIL RICHARDSON, prays leave of Court to amend and/or supplement this
12 Complaint to insert the actual and reasonable value of all medical and incidental expenses when
13 same have been ascertained, or to prove same at time of trial.

14 35. Plaintiff, CYRIL RICHARDSON, is informed and believes, and based thereupon
15 alleges, that as a further direct and proximate result of the negligence of defendant, as hereinabove
16 alleged, he will necessarily require additional medical care, hospitalization, medicines, and other
17 and further medical attention in the future and will incur liability therefrom. Plaintiff, CYRIL
18 RICHARDSON, prays leave of Court to amend and/or supplement this Complaint to insert the
19 actual and reasonable value of all such additional medical and incidental expenses when same have
20 been ascertained, or to prove same at time of trial.

21 36. As a further direct and proximate result of the negligence of defendant, as
22 hereinabove alleged, plaintiff, CYRIL RICHARDSON, became incapacitated and was prevented
23 from following his usual occupation for an undetermined period of time; and as a result thereof,
24 plaintiff suffered a loss of earnings and earning capacity and ability and other financial losses in
25 an undetermined amount. Plaintiff, CYRIL RICHARDSON, prays leave of Court to amend
26 and/or supplement this Complaint to include the exact amount of said loss of earnings and earning
27 capacity and ability when ascertained, or to prove same at time of trial.

28 / / /

WHEREFORE, plaintiffs pray judgment against defendants, and each of the, as follows:

1. For general damages, all in an amount to be proven at the time of trial;

2. For medical and related expenses, past, present and future, all in an amount to be proven at the time of trial;

3. For loss of earnings or earning ability, past, present and future, all in an amount to be proven at the time of trial;

4. For costs of suit incurred herein; and

5. For such other and further relief as this Court deems just and proper.

Dated : November 15, 2008

LAW OFFICES OF FRIEDBERG & BUNGE

By: s/ THOMAS F. FRIEDBERG, ESQ.
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DEMAND FOR JURY

Plaintiffs hereby demand a jury trial pursuant to Rule 38, of the Federal Rules of Practice.

Dated : November 15, 2008

LAW OFFICES OF FRIEDBERG & BUNGE

By: s/ THOMAS F. FRIEDBERG, ESQ.
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